



Albania

Country Reports on Human Rights Practices - [2003](#)

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Albania is a republic with a multiparty parliament, and a prime Minister and a president both elected by Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. In October, local elections were held throughout the country, which were judged to be an improvement over previous elections, with only a few isolated incidents of irregularities and violence. The Constitution provides for an independent judiciary; however, corruption and political pressure limited its ability to function independently and efficiently.

Local police units that report to the Ministry of Public Order are responsible principally for internal security. The military have a special 152-man "commando" unit, which operates in an anti-terrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit. The State Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. Civilian authorities generally maintained effective control over the security forces. Some members of the security forces committed human rights abuses.

The country had a mixed--agricultural, industrial, and service-- economy that was in transition from central economic planning to a free market system. The country continued to experience slow but steady economic progress; according to the Ministry of Finance, the economy grew by 6 percent. However, approximately 30 percent of the population of approximately 3.1 million lived below the poverty line. According to the Government, the unemployment rate was 15.2 percent; however, some unofficial reports put it as high as 22 percent.

The Government's human rights record remained poor in some areas; although there were some improvements, serious problems remained. Police beat and otherwise abused suspects, detainees, and prisoners. Prison conditions remained poor. The police occasionally arbitrarily arrested and detained persons, and prolonged pretrial detention was a problem. The Government occasionally infringed on citizens' privacy rights. Political interference in the media remained a problem. Police reportedly used excessive force against protestors. Individual vigilante action, mostly related to traditional blood feuds, resulted in some killings and an atmosphere of fear. Societal violence and discrimination against women and children were serious problems. Societal discrimination against religious and ethnic minorities, particularly against Roma and the Egyptian community, persisted. Child labor was a problem. Trafficking in persons remained a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.

There were no political killings; however, security forces killed one person during the year.

In January, police in Korca arrested and beat Gazmend Tahirllari, who later died at a local hospital shortly after being released from police custody. An official cover-up followed, with alcohol poisoning reported as the cause of death; however, under pressure from the People's Advocate (the Government's ombudsman), the case was reopened and it was determined that Tahirllari died of a cerebral hemorrhage resulting from blows to the head. The Minister of Public Order fired the Director of Police and the Chief of Commissariat and the six officers directly involved in the beating were prosecuted. In March, they were convicted (one in absentia), receiving sentences ranging from 4 months to 16 years in prison.

Landmine explosions killed two and injured five persons during the year. Since 1999, 27 people have been killed and 119 have been injured by landmines.

The country continued to experience high levels of violent crime. Many killings continued to occur throughout the country as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts. According to the Ministry of Public Order, more than 14 individuals were killed in blood feuds, which are based on the medieval Code of Lek Dukagjini (the kanun), which was practiced by individuals particularly in the northern part of the country. Under the kanun, only adult males are acceptable targets for blood feuds; however, women and children often were killed or injured in the attacks. The nongovernmental organization (NGO) National Reconciliation Committee estimated that 1,370 families were self-imprisoned at home and that 711 children were prevented from attending school due to fear of revenge. Some organizations and religious leaders contended that these figures were inflated but agreed that blood feuds were a significant problem. Religious leaders in the region believed that blood feuds prompted many rural families to migrate to Shkodra, an urban center in the northern part of the country.

Blood feud cases were adjudicated in the Special Crimes Court. Blood killings are distinguished from homicide cases and carry a sentence of no less than 25 years' imprisonment; in comparison, homicide carries a sentence of 15-25 years. Although blood feud prosecution rates were not available, estimates indicated that 60-65 percent of all cases were brought to court and nearly all of them ended up at the appellate level.

b. Disappearance

There were no reports of politically motivated disappearances.

In May, three former officials of the SHISH were arrested in connection with the kidnapping of Ziso Kristopulli and Remzi Hoxha in 1995. Although Kristopulli was eventually released, the whereabouts of Hoxha remained unknown. According to the prosecutor, the three former SHISH officials--although not formally charged--were suspected of kidnapping and torturing Kristopulli and Hoxha. Two of the officials were arrested--one remained in jail while the other was released on bail--and the third suspect was no longer under suspicion. At year's end, the case remained under investigation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such actions, and the Penal Code makes the use of torture a crime punishable by up to 20 years' imprisonment; however, the police at times beat and tortured suspects. In July, Albania ratified the optional protocol of the Convention Against Torture and Cruel, Inhumane and Humiliating Treatment or Punishment. Two human rights groups--the Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG)--continued to report that police forces nationwide used torture and inhumane or excessive treatment; however, both noted that the number of cases decreased during the year. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma were particularly vulnerable to police abuse (see Section 5).

At times police abused and tortured juvenile detainees. According to a CRCA report from 2000, police sometimes used threats, violence, and torture to extract confessions. For example, in one reported case, police officers tried to get a 15-year-old boy to confess to robbery by beating his legs and feet for hours. In another reported case, police officers held a 17-year-old boy's head underwater to get a confession.

The AHRG claimed that police targeted the country's small homosexual community. According to the General Secretary of Gay Albania, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. However, the police denied these charges and stated that when homosexuals were arrested, it was for violating the law--such as disturbing the peace--not for their sexual preference.

There were reports that police beat protesters during the year (see Section 2.b.).

In March, a police officer in Fier beat three Roma women, one of whom was pregnant; they were subsequently sent to a local hospital. According to police reports, the women were violating the municipality's order which prohibits Roma merchants from selling their goods near the city center. No charges were filed against the officer.

In September, police entered the home of Behar Dedolli, a resident of Mat who was under house arrest, and beat

him in front of his family. Dedolli reported that, although he was sent to the hospital after the beating, he did not receive adequate treatment and was subsequently released back into the custody of the police commissariat. Dedolli further stated that police also abused his brothers, Ali and Mirian. The People's Advocate forwarded the case to the regional prosecutor for investigation and, at year's end, the prosecutors were in the process of trying the case.

In November, Romeno Nexhipi alleged that Fier police beat him after they asked him to accompany them to the police station. Nexhipi reported that after he asked why he was being detained, the police officers forced him into their van and beat him. He was sent to the hospital for treatment, then taken to the police station where he was held overnight. Nexhipi was subsequently charged with disturbing the peace and assaulting a police officer; the prosecutor in Vlora was investigating the case at year's end.

Col. Edmond Koseni, the Director of Police of Elbasan District, was dismissed and arrested in 2001 for human rights abuses, and subsequently prosecuted and convicted in the District Court of Elbasan. The Durres Court of Appeals upheld his conviction.

There were no developments in the 2002 case against Alnor Hasa, Chief of Criminal Police in Vlora, accused of beating a detainee.

There were no developments in the April 2002 Pergjini assault case which alleged that three brothers were arrested and beat by police in reprisal for a dispute with the officers or the 2002 Azgan Haklaj assault case in which charges were filed against four officers accused of assaulting Haklaj during his 2001 arrest.

Conditions inside the prisons and detention centers remained poor, despite Government efforts to address problems such as poor facilities and overcrowding. According to the European Union's Judicial Reform, Asylum and Migration Operations Section, detainees had limited access to bathroom and showering facilities, insufficient food, and, in some cases, space limitations kept them from engaging in religious practices. The prison staff was poorly trained. Prisoners and detainees rioted in Shkodra and Peshkopia, and held hunger strikes in Vlora, Berat, and Permet to protest the poor living conditions.

Overcrowding remained a serious problem and, according to the Ministry of Justice, over one-third of convicted felons remained in pretrial detention centers. This caused substandard conditions for prisoners and significant security problems for the police forces. However, with international assistance, the Government financed improvements, including the June opening of an 800-inmate prison in Peqin. The Government also opened prisons in Rogozhina, Kruja, and Lezha; although construction at Lezha was not completed by year's end, the Ministry of Justice expected it to be finished in early 2004.

Police separated men from women in pretrial detention centers and prisons which, as of July, were under the jurisdiction of the Ministry of Justice. Pretrial detainees were not separated from convicted prisoners due to overcrowding.

The country has no juvenile justice system, and children's cases frequently were presented to judges who had not received any education in juvenile justice. In cooperation with international donors, Albania's Magistrate's School attempted to address this problem by offering continuing legal education courses in the area of juvenile justice for judges. The Ministry of Justice reported that a total of 17 minors were serving prison sentences: 6 in pretrial detention centers and 11 in Vaqarr--the only prison in the country that has a special wing for juveniles. The Children's Human Rights Center (CRCA) noted that, while juveniles at Vaqarr were held in a separate wing of the prison, they mixed with adult prisoners for showers and leisure activities. As a result, there were several reports of sexual abuse of juveniles during the year. In addition, two 17 year-old girls were serving sentences at Prison 325 for women in Tirana. Approximately 18-25 juveniles were held in pretrial detention centers. Several NGOs noted that in various police pretrial detention facilities minors often were kept in the same cells as adults and sanitary conditions generally were poor.

In April, two prisoners from Borje village escaped from Kukes prison. The police, in an attempt to catch the prisoners, intimidated people living in the village.

In September, a convicted felon committed suicide because, according to unconfirmed newspaper reports, the conditions in the overcrowded, violence-prone detention center were unbearable.

The Government permitted international human rights observers to visit both pretrial detention centers and prisons; there were no reports of refusals to permit access for inspections by domestic independent human rights monitors.

The Government cooperated with the International Committee of the Red Cross (ICRC) and with other NGOs.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the police occasionally arbitrarily arrested and detained persons.

According to the Ministry of Public Order, there were 12,454 police officers; the majority remained largely untrained, despite assistance received from foreign governments. The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective, civilian police force. Foreign governments continued police training programs aimed at improving technical expertise, operational procedures, and respect for human rights, and 1,100 police officers received such training during the year. In addition, judicial police, prosecutors, and police academy professors as well as 21 canine teams received training. The State Police's Office of Internal Control has the authority to review all police appointments and, during the year, pursued investigations leading to the conviction of 5 sworn police officials and the dismissal of 63 for various degrees of misconduct. According to the Ministry of Public Order, in October, 50 candidates (40 male, 10 female) started training at the Police Academy.

In its 2002 annual report, the People's Advocate--a government ombudsman charged with investigating citizen complaints of public officials' wrongdoing--reported that, in 2002, it handled 3,363 complaints, requests, and notifications related to all forms of public corruption and misconduct. Of those, 22 percent were determined to be legitimate and were forwarded to the appropriate authorities for further investigation. Among these 3,363 cases, the People's Advocate received 70 complaints against police officers for excessive force or maltreatment. By the end of 2002, the office had reviewed 50 and determined that 15 were valid, 11 were outside their jurisdiction, and 24 were groundless. As a result, 12 police officers received verbal warnings and the prosecutor's office started investigations on 24 police employees. The remaining 20 were investigated during the year; however, no information on their status was available.

Corruption remained a problem among police forces and low salaries and rampant corruption throughout society made the problem difficult to combat. The Office of Internal Control (OIC) within the State Police was focused on combating in-house corruption and other forms of official misconduct. OIC efforts resulted in several high profile arrests, including the June arrest of the Police Chief of Rinas Airport and three other officers for their roles in smuggling undocumented migrants, as well as the arrest and conviction of the former Police Chief of the Vlora Regional Commissariat for cocaine trafficking.

The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law, a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights and a prosecutor must be notified immediately after the police detain a suspect. Within 48 hours of the arrest or detention, a suspect must appear before a judge in the presence of the prosecutor and the suspect's lawyer. The judge has an additional 48 hours to determine whether the suspect may continue to be detained.

Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right was not widely known and police often failed to inform suspects of it. Access to legal information remained difficult for citizens, including legal professionals and, at times, judges. There were numerous cases in which persons were illegally detained and were unable to contact their private attorneys. In some cases, the detainees had been interrogated without their defense attorneys being present.

Bail may be required if the judge believes that the accused otherwise may not appear for trial. Alternatively, a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe that the accused may flee the country or pose a danger to society.

In its 2002 annual report, the People's Advocate cited 87 complaints of arbitrary arrests and illegal detention by the police, and specified that many of the complaints had merit and were forwarded to the prosecutor's office.

In 2001, the AHC learned that three individuals--Sali Lushaj, Dem Dollapi, and Vlash Ndoi--had been detained in a Tirana prison past the legal limit. Lushaj and Dollapi, who claimed to be detained for political reasons, were charged with participation in an armed uprising to overthrow the constitutional order. They were released; however, their case remained pending in court at year's end.

The Penal Procedures Code requires completion of pretrial investigations within 3 months; however, the prosecutor

may extend this period by 3-month intervals in particularly difficult cases. Lengthy pretrial detention as a result of delayed investigations remained a serious problem. The accused and the injured party have the right to appeal these extensions to the district court.

There were no confirmed cases of detainees being held strictly for political reasons. Ekrem Spahia, Chairman of the Legality Party, and 12 of his supporters had faced criminal charges in connection with the events of 1998 during which a Democratic Party (DP) parliamentarian was killed. The charges against Spahia were subsequently dropped because he had parliamentary immunity; however, the trials of his supporters remained pending at year's end.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, because of political pressure, intimidation, endemic corruption, bribery, and limited resources, much of the judiciary was unable to function independently and efficiently.

Tension continued between the police and the judiciary, despite some improvement in relations between police and prosecutors, particularly outside Tirana. Each side cited the failures of the other as the reason criminals avoided imprisonment; the courts accused the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police alleged that corruption and bribery tainted the courts. The Judicial Police were responsible, under the direction of prosecutors, for developing investigations initially conducted by the police. In June, in an effort to improve cooperation and anti-crime efforts, police and prosecutors established the Organized Crime Task Force to handle high profile and sensitive organized crime and trafficking cases in which police and prosecutors work together to gather evidence, solve cases, and convict criminals. In addition, the implementation of a judicial code of conduct and a code of disciplinary procedures against judges led to the dismissal of several judges on corruption charges.

The judicial system is composed of district courts of the first instance, six courts of appeal, military courts of first instance and of appeal, and the Supreme Court. There is also a separate and independent Constitutional Court. The Supreme Court hears appeals from both the district courts and the courts of appeal, while the Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government. Constitutional Court justices serve 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 9 years. By year's end, the President had appointed judges and prosecutors to work in the newly-formed Serious Crimes Court, which was expected to focus on organized crime and trafficking cases.

The President heads the High Council of Justice, which has authority to appoint, discipline, and dismiss judges of the courts of first instance and of the courts of appeal. Judges who are dismissed have the right to appeal to the Supreme Court. In addition to the President, the Council consists of the Minister of Justice, the head of the Supreme Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by Parliament.

The President of the Republic appoints the 17 members of the Supreme Court and the 9 members of the Constitutional Court with the consent of Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court while the High Council of Justice has the authority to approve and dismiss the judges of the Supreme Court. According to the law, dismissal may be ordered based on violation of the constitution, conviction of a crime, mental or physical incapacity, or commission of an act that seriously discredits judicial integrity and reputation.

The President appoints the Prosecutor General with the consent of Parliament, and appoints and dismisses other prosecutors on the recommendation of the Prosecutor General. The President may dismiss the Prosecutor General on the recommendation of the Parliament. Despite the Council of Europe's Venice Commission ruling advising that the implementation of the 2002 Constitutional Court decision stating that Prosecutor General Arben Rakipi, who was dismissed without the opportunity to present a defense, should be reinstated, the Government took no action to reinstate Rakipi during the year.

Parliament approves the courts' budgets and allocates funds. The Judicial Budget Office, a separate, independent body, administers court budgets, although each court may decide how to spend the money allocated to it. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office; all other board members are judges. The Ministry of Justice appoints court chancellors and financial managers. The Ministry of Justice also

supervises the Bailiffs' Office, the body that ensures that civil judgments are enforced. However, during the year, the performance of the Bailiffs' Office was poor and, as a result, many civil judgments were not implemented.

The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial; however, limited material resources in many instances prevented the court system from processing cases in a timely fashion. Many court buildings were destroyed in the 1997 civil unrest; although all have reopened, important records and legal materials were lost permanently. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits (see Section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and, under the law, the Government provides lawyers for indigent defendants. If convicted, the accused has the right to appeal the decision within 10 days to the Court of Appeals. During the year, a few trials were held in absentia.

There were no reports of political prisoners.

The Government has not resolved many long-standing property rights issues and continued to occupy or rent out buildings to which private individuals have ownership claims recognized by the courts. Individuals reported to the People's Advocate that they were not adequately compensated for private land taken for public use during the Communist regime. The Organization for Cooperation and Security in Europe (OSCE) facilitated a bipartisan Parliamentary effort to finalize property restitution legislation. At year's end, the legislation was approved by the Council of Ministers; however, it was still awaiting Parliament's approval.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, at times, the Government infringed on these rights.

In April, the Court of Appeals determined that the Municipality of Pogradec could evict, with force if necessary, 15 Roma families from a government-owned building; however, in August, the Supreme Court suspended that decision and returned the case to the District Court. At year's end, the Roma families remained in the government-owned building while the Municipality of Pogradec looked for new housing for them.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the media was active and largely unrestrained; however, there were serious, fundamental problems with the use of the media for political purposes. Political interference in the media remained a problem. Publishers and newspaper owners often edited news stories to serve their own political and economic interests.

Daily circulation of all newspapers was estimated at 76,500. Political parties, trade unions, and various societies and groups published their own newspapers or magazines. The opposition media was active, but was constrained by limited professionalism and lack of finances. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Three newspapers were published in Greek in the southern part of the country, and 15 Greek papers and magazines were distributed throughout the south; these dailies and weeklies had very small circulation figures.

The Government's Albanian Radio and Television (RTSh) was the sole public broadcaster. RTSh consisted of a national television station and a national radio station. National television broadcast 17 hours a day and reached 94 percent of the population. National television also broadcast a 2-hour, Albanian-language regional satellite program that was viewed widely throughout Europe. National radio broadcast on two channels--one for 19 hours and the other for 5 hours per day. National radio operated a foreign language service that broadcasted in seven languages, including Greek.

Television was highly influential; it was estimated that up to 80 percent of the public obtain their news and information from television. Television programming included some responsible journalism; however, political affiliation was pervasive in programming. The majority of stations were one-sided in their political coverage.

Occasionally physical violence was used against journalists; politicians dissatisfied with media coverage sometimes assaulted or threatened members of the media.

In March, AHRG reported that Tomorr Skreli, Chief Justice of the Appeals Court in Gjirokastra, made violent threats against Engjell Seriani, the director of Dita Jug, a regional newspaper. According to the AHRG press release, Skreli was unhappy with Seriani's report on a court case.

In October, television reporter Ilir Babaramo accused the Minister of Public Order, Luan Rama, of physically attacking him in a public restaurant. According to reports, Rama was angered by Babaramo's unflattering report about the number of unsolved, high-profile crimes committed under Rama's tenure. Press reports indicated that Rama's bodyguards also kicked and punched Babaramo until bystanders intervened. Several journalists' groups and human rights organizations called for Rama to be removed from office; Rama, a former journalist, resigned 2 days later.

The National Council of Radio and Television (NCRT)--a seven-member bipartisan body elected by the Parliament, with one appointment by the President--governs broadcasting issues. Two national television stations, 57 local television stations, 42 local radio stations, and 2 national radio stations had broadcasting licenses during the year. Several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses; however, these regulations were enforced weakly.

In July, the NCRT lifted the license of Alba TV, leading to the interruption of normal broadcasts of ALSAT TV satellite channel. Alba TV and ALSAT had an agreement that allowed ALSAT to broadcast on Alba TV's frequency. Alba TV and ALSAT claimed that the license was revoked for political reasons; the Government claimed the license was revoked for failure to pay taxes; however, several other television stations had similar outstanding violations and had not been shut down. At year's end, while ALSAT was broadcasting locally a few hours a day, Alba TV was not broadcasting at all.

In May, a group of journalists and editors issued a press release in which they raised concerns about the Government's efforts to restrict press freedoms. They argued that the Government's use of financial audits and judicial prosecutions against journalists restricted the freedom of the press; however, the Government's position was that the complaints were generated by ire at more effective tax collection.

Journalists also raised complaints about direct or indirect censorship by their publishers or editors because of political or commercial pressure or interests. In June, the AHC raised similar concerns, citing a case in Gjirokastra in which Human Rights Union Party (HRUP) chairman Vangjel Dule sued a journalist after an unflattering article about him appeared in a minority newspaper.

In September, five NGOs--including the AHRG--filed suit against Prime Minister Nano in Constitutional Court. The suit charged that his 2002 gag order prohibiting senior civil servants from speaking to the media about their duties violates the Law on Fundamental Human Rights and Freedoms. On November 12, 5 days prior to the presentation of the case before the Constitutional Court, the Prime Minister revoked the gag order.

Libel carries criminal sentences, from a fine to 2 years' imprisonment. There were a number of high-profile libel suits during the year involving politicians and well-known journalists. For example, then-Minister of Youth, Culture, and Sport, Arta Dade, and Minister of Local Government, Ben Blushi, sued Democratic Party Chairman, Sali Berisha, for libel; Chairman of the New Democrat Party, Genc Pollo, sued Farudin Arapi, Chairman of the Pyramid Schemes Assets Commission for libel; and the newspaper Spekter sued op-ed columnist Fatos Lubonja. All of these cases were pending in Tirana District Court at year's end. In addition, Deputy Speaker of Parliament, Makbule Ceco, won a libel case against the newspaper Tema.

The AHC, along with other human rights organizations and journalists' associations, expressed concern about the increased level of pressure exerted by politicians on the media, particularly in the form of lawsuits. In May, the AHC noted that while all citizens are entitled to seek redress in the court system, politicians--as public figures--should expect scrutiny and attacks from the media and should refrain from misusing libel suits.

The Government did not restrict access to the Internet; however, less than 1 percent of the population had access to the Internet because it was too expensive.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law requires organizers to notify police about gatherings in public places, and the police may refuse to permit them for reasons such as security and traffic; however, there were no reports that such denials were made arbitrarily.

On May 15 and 26, former political prisoners and victims of political persecution staged a formal protest on Tirana's main boulevard, seeking compensation for their unpaid labor during their imprisonment or persecution. Protesters claimed that police used excessive force during the protests and that police injured National Front Party Member of Parliament, Uran Metko. The People's Advocate, the AHC, and the two largest political parties, as well as several other human rights organizations denounced the police's use of violence. Subsequently, Prime Minister Nano met with the People's Advocate and agreed to draft a bill to resolve the issue of compensation; however, at year's end, the Government was still in the process of the drafting legislation that was expected to compensate people for their unpaid labor while imprisoned.

The Constitution provides for the right of association, and the Government generally respected this right; however, the Constitution prohibits the formation of any political party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character. There were no reports that this provision was used against any group during the year. A political party must apply to the Tirana District Court for registration and declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Registration was granted routinely.

c. Freedom of Religion

The Constitution provides for freedom of religion and the Government generally respected this right in practice. According to the Constitution, there is no official religion, and all religions are equal; however, the predominant religious communities (Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic) enjoyed de facto recognition that gives them the legal right to hold bank accounts, own property and buildings, and to function as legal entities based on their historical presence in the country. Religious movements--with the exception of the four de facto recognized religions--may acquire the official status of a legal entity by registering with the Tirana District Court under the Law on Associations, which recognizes the status of a nonprofit association regardless of whether the organization has a cultural, recreational, religious, or humanitarian character.

While the Government does not require registration or licensing of religious groups, the State Committee on Cults keeps records and statistics on foreign religious organizations that contact it for assistance.

The Albanian Evangelical Alliance, an association of approximately 87 Protestant Churches, complained that it had encountered administrative obstacles to accessing the media. However, Evangelical Alliance representatives stated that it was not clear whether the limited access was due to the organization's small size or its religious affiliations.

The Government was secular, and religion was not taught in public schools. There is no law restricting the demonstration of religious affiliations in public schools; however, some students were not allowed to do so in practice. According to the Ministry of Education, there were 14 religious schools in the country, with approximately 2,600 students. In July, a female Muslim student graduating from university was prohibited from wearing her headscarf for her graduation picture. Following the intervention of the People's Advocate, the student was allowed to take the photograph with the headscarf, and the case was resolved.

The Government failed to return to the various religious communities all of the properties and religious objects that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often did not return the land surrounding the buildings or provide comparable compensation. In addition, the Government was unable to compensate churches adequately for the extensive damage that many religious properties suffered.

The Orthodox Autocephalous Church of Albania complained that, in addition to problems in recovering property, it also had difficulty in retrieving some religious icons from the Government for restoration and safekeeping and reported some isolated incidents of vandalism. Some Bektashi communities outside of Tirana experienced intimidation, vandalism, and threats of violence from members of other religious groups.

In October, police arrested Kastriot Myftaraj, author of the book "Albanian National Islamism," on charges of inciting religious hatred. The book contained the author's opinions on Islam and how the religion has impacted Albanian life. According to the prosecutor's office, several statements in the book demeaned Islam. At year's end, the trial

was ongoing.

Relations among the various religious groups were generally amicable. However, representatives of the country's Orthodox Church noted that some churches and other buildings were the targets of vandalism, although these incidents were isolated and believed to be the result of the country's weak public order rather than due to religious intolerance. In January, the General Secretary of the Islamic Community of Albania, Sali Tivari, was shot and killed at the Community's headquarters. In December, the prosecutor's office, unable to uncover enough evidence, returned the case to the police for further investigation.

Some Bektashi communities outside of Tirana experienced intimidation, vandalism, and threats of violence. There were reports that, in some instances, members of other religious groups attempted to prevent Bektashis from attending their teqes (holy shrines) and otherwise harassed Bektashi community members.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

As a result of significant internal migration, many citizens no longer had local registration and status, which led to a loss of access to basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of these documents prevented many students from attending school. During 2002, the Ministry of Local Government began a nationwide project on citizen registration, financed in part by Italy in the framework of the Stability Pact. Although there were three laws on civil status intended to improve local registration practices and create a standardized national identification document, in practice nothing was done.

The Constitution and a 1998 asylum law provide for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also provided temporary protection to certain individuals who did not qualify as refugees or asylees. There is an appeals procedure, but it was not functioning during the year.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and in efforts to strengthen the asylum system. There were no mass refugee situations during the year. The UNHCR provided social service support for the refugee community and coordinated further assistance through a network of NGOs that provided health care coverage, insurance, and limited training. In July, the Government's Office for Refugees came under the jurisdiction of the Ministry of Public Order and played a key role in facilitating and coordinating the work of these groups.

Organized criminal gangs made the smuggling of illegal immigrants--Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia--a lucrative business. Because ongoing speedboat interception and destruction efforts effectively closed the route to Italy, smugglers began using overland routes, crossing into Macedonia or Montenegro, or using false documents to depart the country by plane or ferry. Individuals who became stranded inside the country while trying to use these illegal methods went through a pre-screening process jointly run by the Government, the UNHCR, the International Organization for Migration (IOM), the International Catholic Migration Commission, and the OSCE to determine their status. Of the 27 third country nationals pre-screened since January, all were referred by police, and 11 sought services voluntarily; 16 of these individuals requested asylum; and 5 voluntarily returned to their home countries with the assistance of the IOM. The international partners in the pre-screening process recommended that the Government extend the program to illegal immigrants stopped at the border; however, the Government took no action by year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Local elections were held in October and were completed in only one round of voting. In its preliminary report, the OSCE's Office of Democratic Institutions and Human Rights (ODIHR)--which observed the elections--noted the country's further progress towards compliance with the OSCE and other international organizations, and standards

for democratic elections. The elections were conducted under a new electoral code, which addressed many of the concerns that arose from the 2001 parliamentary elections. The election campaigns were generally calm and conducted without the heated rhetoric that characterized past campaigns. In addition, the country's major broadcasters--including state-owned TVSH--generally complied with the legal provisions for balanced reporting, contributing to a significant improvement in coverage of the campaign. However, the ODIHR preliminary report stressed that problems continued to exist. For example, many citizens were unable to vote because their names were not on the voter registration lists. Members of the local government elections commissions and the voting center commissions were generally poorly trained and unacquainted with the new electoral code and key instructions from the Central Election Commission (CEC). In the post-election period, there were numerous legal challenges to election results by parties that lost in various districts, including in two major cities, Tirana and Durres.

In November, election reruns were held in Himara--a district with a large population claiming Greek origin--after serious voting violations were reported. Although nationalistic members of the local Socialist Party attempted to manipulate the outcome of the election by falsifying the results, the CEC overturned those results and certified that the HRUP candidate-- representing the interests of the country's minorities, including the Greek minority--won the election. In December, revotes were also held in 118 Tirana districts; turnout was low, and few significant irregularities were reported. The trend of decreasing representation continued: Women were poorly represented as members of election commissions and as candidates, and family voting was observed in over 30 percent of voting centers visited by observers.

Overall, the municipal elections were a major step forward, with good performances by the police, many local election officials, and electoral institutions. However, the elections were marred by the repeated refusals of the political leadership in the two main parties to accept results not to their liking.

During a parliamentary by-election in a single electoral zone in Elbasan in December 2002, the opposition DP raised concerns regarding voter list manipulation, voter intimidation, and other electoral code violations. The General Prosecutor opened an investigation of electoral code violations; however, the case was closed due to lack of evidence.

Several political parties participated in the political system; the Socialist Party (SP) and the DP were the two largest and they held most of the seats in Parliament. The SP, formed from the old Communist Party in 1991, was the governing party during the year. Its year-end coalition included the HRUP and the Social Democratic Party. SP Party Chairman, Fatos Nano, also served as Prime Minister. The DP, led by former President Sali Berisha, was the primary opposition party in the Government.

There were 9 women in the 140-seat Parliament. During the year, the Deputy Prime Minister and Minister of State for Integration, the Minister of Culture, Youth, and Sports and the Minister of Labor and Social Affairs were women; however, at year's end, after the change in Cabinet following the SP Congress, only one woman remained in the Cabinet. The major political parties had women's organizations, and women served on their central committees; however, overall women were very poorly represented in the central and local governments, and few were elected to public office at any level. During the year's local elections, less than 3 percent of all candidates were women.

There were 5 ethnic Greeks in the 140-seat Parliament; however, only three of them were members of the HRUP, which represented the interests of minorities in the country. Ethnic Greeks were the largest minority group, participated actively in various political parties, particularly the HRUP, and held two ministerial positions. No other minorities were represented in Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were increasingly cooperative and responsive to their views; however, in some areas--such as domestic violence and children's issues--little progress was made. There were several domestic NGOs active in addressing human rights problems. Despite the assistance of international donors, the work of these organizations was hampered by a shortage of funds and equipment.

There were no reports of government restriction on the activities of domestic human rights NGOs. The AHC monitored human rights issues as they related to minorities, security forces, the judiciary, and elections. In the past, the AHC conducted training to police and prison personnel. Rather than limiting its operations to one or two specific

human rights issues, the AHRG tried to monitor all aspects of human rights in the country. The AHRG, in addition to offering legal assistance, ran a complaint center and conducted police training. Both organizations operated independently from the Government and often issued press releases and reports calling for government action.

The Citizen's Advocacy Office (CAO) was created with international donor funds and assistance to serve as a corruption watchdog and investigative unit; citizens could call the CAO hotline to report corruption in Government. The Government often responded to CAO investigations with concrete action, such as conducting formal investigations and/or dismissals.

The Government cooperated with international organizations, such as the UNHCR, the IOM, and the ICRC, and did not restrict their access to the country.

Various groups worked to promote women's rights; some of these groups received mixed levels of cooperation with the Government (see Section 5).

The People's Advocate investigated inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacked the power to enforce decisions, the People's Advocate acted as a watchdog for human rights violations. Its most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (see Sections 1.c. and 1.e.). In many cases, the Government took concrete steps to correct problems in response to the findings of the People's Advocate. The caseload of the People's Advocate continued to increase as the public became more aware of the services provided. The People's Advocate enjoyed the political support of the highest-ranking members of the Government and was authorized to receive information from all public agencies; however, disputes between the People's Advocate and the Prosecutor General hampered cooperation.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on sex, race, ethnicity, or language; however, discrimination against women and some minority groups persisted.

Women

Violence against women and spousal abuse remained serious problems. In the country's traditionally male-dominated society, cultural acceptance, and lax police response resulted in most abuse going unreported. Rape is punishable by law, as was spousal rape; however, in practice, spousal rape is not reported or prosecuted. The concepts of spousal rape and sexual harassment were not well established, and, consequently, such acts often were not considered crimes by authorities or the public. For this reason, it was difficult to quantify the number of women who have experienced rape, domestic violence, or sexual harassment; however, the Counseling Center for Women and Girls noted that, in 2002, its Tirana hotline received 80-100 calls per month from women reporting some form of violence. A 1999 poll conducted by the NGO Advice Center for Women and Girls showed that 64 percent of women surveyed had experienced some form of physical, emotional, or sexual abuse; later statistics were not available. The State Committee on Equal Opportunity, formerly known as the State Committee for Women and Family, was the primary government agency that addressed the status of women; however, it was underfunded and lacked political influence. There was no legislation specifically addressing violence against women or domestic violence.

Many men, particularly those from the northeastern part of the country, still followed the traditional code--the kanun--in which women are considered to be, and were treated as, chattel. Under the kanun, a woman's duty is to serve her husband and to be subordinate to him in all matters.

An NGO maintained a shelter in Tirana for abused women, although the facility had the capacity to house only a few victims at a time. The same NGO also operated a hotline that provided advice and counseling to women and girls.

The law prohibits prostitution; however, it was a problem. Trafficking in women and children remained a problem (see Section 6.f.).

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work; however, this provision was not fully implemented, although women continued gradually to gain economic power. Women enjoyed equal access to higher education, but they were not accorded full and equal opportunity in their careers, and well-

educated women were often underemployed or worked outside their field of training. An increasing number of women continued to open shops and small businesses. Although many women emigrated from the country to seek employment men far outnumbered them, leaving women as the majority in the population. Women were afforded some employment rights, such as a 1-year maximum maternity leave; however, because approximately 40 percent of employees worked informally (i.e., their employers do not contribute to social security insurance on their behalf), they did not qualify for these rights. Of those women who did qualify, the majority could not afford to take more than 2 months of leave.

Various groups such as the Women's Center, the Family Planning Association, Useful to Albanian Women, the Independent Women's Forum, Women in Development, the Millennium Coalition, the Women's Advocacy Center, the Association of Women's Lawyers, Refleksione, the Albanian Human Rights Center, AHC, and AHRG worked to promote women's rights. Some of these groups successfully promoted public awareness regarding domestic violence and implementing programs to empower women; however, their ability to lobby the Government and other prominent individuals to institute actual change in government policies and practices regarding women's issues remained limited.

Children

The Government's commitment to children's rights and welfare is codified in domestic law; however, in practice, there was limited commitment.

The law provides for the right to 8 years of free education and also authorizes private schools. School attendance was mandatory through the eighth grade (or until age 18, whichever came first); however, in practice, many children left school earlier than allowed by law in order to work with their families, especially in rural areas (see Section 6.d.). For example, according to a study conducted by the CRCA in 2000, approximately 38 percent of adolescents dropped out of school to gain employment; however, the Government placed this figure at 3 percent. The lack of proper documents--many of which have been lost due to internal migration--prevented many students from attending school (see Section 2.d.). The State Committee on Equal Opportunity was responsible for children's issues; however, it was underfunded and lacked political influence.

In October, Bexhet Arbana, principal of Tirana elementary school "1 Maji," was dismissed from his position, demoted, and transferred to another school after he wrote an article that opposed the government's educational policies. According to the Ministry of Education, in opposing government policy, Arbana violated the institutional code, thereby justifying his demotion; however, the AHRG called for Arbana's reinstatement.

According to statistics for the year issued by the National Reconciliation Committee, as many as 711 children remained endangered by blood feuds involving their families (see Section 1.a.). While other organizations in the north and northeast regions questioned the accuracy of these figures, all agreed that blood feuds were a significant problem.

Child abuse, including sexual abuse, was rarely reported; however, authorities and NGOs believed that it was prevalent. According to the Ministry of Public Order, 33 cases of sex crimes against children were reported during the year. Trafficking in children, although not widespread, was problematic (see Section 6.f.). In a few cases, criminals kidnapped children from families or orphanages to be sold to prostitution or pedophilia rings abroad and there were reports that some families sold their children to traffickers (see Section 6.f.).

Various NGOs worked on children's issues, including Useful to Albanian Women, the CRCA, and the Albanian Children's Alliance, which is made up of 150 organizations across the country. International organizations active in this area included UNICEF, Save the Children, Caritas, and Catholic Relief Services. All of these organizations worked on issues related to trafficking of children. In addition, Save the Children created an early childhood development program, Catholic Relief Services sponsored after-school programs and promoted greater community involvement in the education system, and UNICEF worked to develop a juvenile justice system.

Persons with Disabilities

There was some discrimination against persons with disabilities in employment, education, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. They were eligible for various forms of public assistance; however, budgetary constraints greatly limited the amounts that they actually received. No law mandates accessibility to public buildings for persons with disabilities, and little was done in this regard.

National/Racial/Ethnic Minorities

The Constitution provides for national minorities' "pluralism, national identity and inheritance, and religious coexistence." The Constitution also provides minorities the right to "freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging" and the right "to study and be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity." The Minority Affairs Office within the Ministry of Foreign Affairs was the highest authority on minority issues and monitored the country's compliance with international obligations and commitments as they relate to minority issues. The Office maintained contact with all organizations representing minority groups, and served as a coordinating body for other relevant ministries within the Government.

According to the Minority Affairs Office, to qualify for minority status, a group of individuals must share the same language (different from Albanian), have documentation to prove their distinct ethnic origin, have a separate culture and traditions, and have a link to a kinship state outside of the country. For example, the group known as Egyptians were not given minority status because they speak Albanian and share the country's culture and traditions. Instead, they were referred to as a community.

The Greeks are the largest ethnic minority, followed by small groups of Macedonians, Montenegrins, Vlachs, Aromanians, Roma, and an Egyptian community. However, according to the Minority Affairs Office, no recent official statistics existed regarding the size of the various ethnic communities. The Government census of 2001 did not ask respondents to identify themselves by ethnicity, so any official figures date back to the previous census conducted in 1989. The Government conducted a survey during the year to determine the sizes of various ethnic minorities. The survey, which relied upon sampling based on U.N. standards, provided criteria for claims of affiliation with a particular ethnic group; however, the results of the survey were not published by year's end.

The ethnic Greek minority, led by their cultural association Omonia, collectively pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders complained of the Government's unwillingness to recognize the existence of ethnic Greek towns, such as Himara, that were not considered part of communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to address effectively crimes committed against ethnic Greeks, particularly allegations that communal property was taken illegally by means of fraudulent documents and, in some cases, with complicity of the courts; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration.

Greek-language public elementary schools were common in much of the southern part of the country, where most ethnic Greeks lived. Every village in this zone had its own elementary-middle (8-year) school in the Greek language, regardless of the number of students, and Gjirokaster had two Greek language high schools. However, Omonia said that the ethnic Greeks needed more classes both within and outside the minority zones. The Government's Minority Affairs Office noted that Greeks, as well as other ethnic groups throughout the country, are entitled to schooling in their native language provided that there are at least 24 students per class--all of whom belong to the same ethnic minority. Omonia claimed that this qualification was applied unevenly, citing cases where ethnic Albanian students--numbering less than 24 and living in majority ethnic Greek communities--received a public education in the Albanian language. The Minority Affairs Office stressed that the Government has never closed a minority school or class even when the number of students dwindled as a result of graduation, migration or other factors. In March, Parliament passed an amendment that reauthorized the inclusion of nationality/ethnicity in the Civil Registry which should alleviate the difficulty in proving ethnicity for future requests for minority language schools.

Ethnic Greeks enjoyed access to Albanian Greek language media (see Section 2.a.). Residents in the southern part of the country were able to receive television and radio broadcasts in the Greek language from stations located in Greece; however, there were no Greek language radio or television stations in the country.

Ethnic Macedonians lived primarily in Pogradec, Devoll, and the Lake Prespa area bordering Macedonia; a small group of ethnic Montenegrins and Serbs lived north of Shkoder; Vlachs and Aromanians lived in the southern region.

The Roma and the Egyptian communities were among the most neglected groups in the country. There were reports that police beat Roma during the year (see Section 1.c.). Members of the Egyptian community tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, poor health conditions, lack of education, and marked economic disadvantages. The Government officially recognized the Roma as a linguistic

rather than a national minority, thus preventing Roma children from qualifying for education in their native language and perpetuating illiteracy within the community. The Government prepared a National Strategy for the Improvement of Roma, focusing on the areas of education, art, employment, housing, social issues, public order, and health; however, the Government had taken no action to implement the strategy by year's end. In spite of repeated denials, the Egyptian community continued to try to obtain minority status from the Government.

Blood feuds, practiced primarily in the north and northeastern regions, were a significant problem (see Section 1.a.).

Section 6 Worker Rights

a. The Right of Association

Workers had the right to form independent trade unions, and workers exercised this right in practice. Two major federations acted as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership approximately 85,000) and the Albanian Confederation of Trade Unions (membership approximately 100,000). Both organizations experienced a continued drop in membership during the year due to increasing unemployment. Some unions chose not to join either of the federations. No union had an official political affiliation, and the Government did not provide any financial support for unions.

The law does not prohibit anti-union discrimination; however, there was no such discrimination in practice.

Unions were free to join and maintain ties with international organizations. Twelve federations, which were part of the Albanian Confederation of Trade Unions, were members of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, had the constitutional right to organize and bargain collectively, and the Labor Code established procedures for the protection of workers' rights through collective bargaining agreements; however, labor unions operated from a weak position, given the country's high level of unemployment. In practice, unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The Constitution and other legislation provide that all workers, except the uniformed military, the police, and some court officials, have the right to strike. The law prohibits strikes that are declared openly to be political or that are judged by the courts to be political.

In February, employees of the Fabiona Brick Factory went on a hunger strike to protest the fact that the owners had not paid salaries or social insurance for 3 months; after approximately 10 days, the owners promised to resume payment and the hunger strike ended. The owners started paying their employees' salaries, but not their social insurance. In the summer, shipyard employees at the Durres Port went on strike complaining that the shipyard owners had not paid their social insurance for years; the strike remained ongoing at year's end. In September, teachers went on strike and asked for higher salaries; although they did not receive a salary increase, they went back to work shortly thereafter. In December, railway employees began striking for better working conditions and higher salaries; their strike remained ongoing at year's end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution and the Labor Code prohibit forced or bonded labor, including by children; however, such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code sets the minimum age of employment at 16 years and limits the amount and type of labor that can be performed by children under the age of 18. Children between the ages of 14 and 16 legally may work in part time jobs during summer vacation. The Ministry of Labor may enforce minimum age requirements through the

courts; however, there were no reports that enforcement took place. The CRCA estimated that roughly 50,000 children under the age of 18 worked either full or part time. The law forbids forced or bonded labor by children; however, there were reports that such practices occurred. NGOs reported that labor inspectors, who were charged with investigating child labor complaints, did not give out fines, penalties, or convictions to those who violated child labor laws.

There were young children working, some as many as 16 hours a day. According to the CRCA, the majority of child laborers worked as street or shop vendors, farmers or shepherds, drug runners, textile factory workers, shoeshine boys, or prostitutes; however, in Tirana and other cities, children--mostly Roma--worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. The CRCA also noted that there were approximately 800 street children in Tirana. There were reports that children were trafficked for forced labor (see Section 6.f.).

e. Acceptable Conditions of Work

The legal minimum wage for all workers over the age of 16 was approximately \$85 (9,354 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. Many workers looked for second jobs, which were difficult to find. Remittances from those working abroad were very important for many families. The law provides for social assistance (income support) and unemployment compensation; however, these were very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector was approximately \$160 (17,608 lek) per month. Persons who worked and lived in urban areas earned almost 50 percent more than counterparts in rural areas, as a result poverty was greater in rural areas. Approximately 30 percent of the population lived under the official poverty line.

No data was available for private sector wages, but they were considerably higher than in the public sector.

During the year, the Labor Code was amended to lower the legal maximum workweek from 48 hours to 40; however, in practice, hours typically were set by individual or collective agreements. Many persons worked 6 days a week. By law overtime pay must be provided and there were mandated rest periods; however, these provisions were not always observed in practice.

The Government set occupational health and safety standards; however, it had limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally were very poor and often dangerous. A number of job-related deaths were reported in the press during the year, particularly in the construction industry. In such cases, the victims' families did not receive any financial support from the state social security administration because the workers often were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide workers with the right to leave a hazardous workplace without jeopardy to their continued employment.

f. Trafficking in Persons

The law criminalizes trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained a problem. Police corruption and involvement in trafficking was a problem.

A 2001 Criminal Code amendment introduced specific articles on trafficking that set the following penalties: Trafficking in persons (5 to 15 years in prison); trafficking of women for prostitution (7 to 15 years in prison); and trafficking in minors (15 to 20 years in prison). The lack of prosecution of traffickers remained a problem; however, police and prosecutors claimed to have dismantled 28 trafficking groups during the year. Traffickers who were arrested often were released because of insufficient evidence, and, if prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking.

In April, Albanian and Italian authorities arrested several members of a child-trafficking ring operating out of the Adriatic port city of Durres, including a customs officer at the Durres port and the head of the local SHISH office. During the investigation, which was ongoing for 2 years and operated on both sides of the Adriatic, police rescued 30 Albanian children and arrested 40 people. The cases against the Customs and SHISH officials had not gone to trial by year's end.

In September, a regional anti-trafficking sweep called Mirage II, resulted in 125 arrests for various forms of trafficking, prostitution, and smuggling.

The absence of a witness protection program impeded the Government's ability to build strong cases against traffickers, although cooperation from the international community led to the relocation and protection of five witnesses outside of the country during the year. Victims often did not identify themselves as trafficked persons and were unwilling to testify due to fear of retribution from traffickers and distrust of the police. Cooperation between the police and prosecutors remained weak. During the year, the Government established an Organized Crime Task Force to handle high profile and sensitive organized crime and trafficking cases. Through the Task Force training and international technical assistance, police and prosecutors received training for better coordination to gather evidence, solve cases, and convict criminals.

The country was both a source and a transit country primarily for women and children trafficked for the purposes of sexual exploitation and begging; however, the number of Albanians and third-country nationals subjected to trafficking to other countries decreased. The country was a transit route for trafficked women and girls, due to weak border controls, corruption, and proximity to Italy and Greece. Most trafficked women and girls were transported to Italy, Greece, and--to a lesser extent--other European countries, such as Belgium, the United Kingdom, and the Netherlands. However, illegal transit through the country diminished significantly since 2002, primarily due to the successful interruption of illegal speedboat traffic across the Adriatic. Traffickers used overland routes such as Albania-Macedonia-Greece or falsified documents to transport their victims via plane or ferry.

According to the Ministry of Public Order, there were 4,000 children trafficked from the country between 1992 and 2000. Children were generally trafficked for begging or sexual exploitation. Trafficked Albanians increasingly fell into the 12 to 18-year-old age group. Roma and Egyptian communities were particularly vulnerable due to poverty and illiteracy. Children, including boys, also were trafficked for begging. Such children often were bought from families, and in a few cases kidnapped reportedly for the purpose of prostitution or pedophilia rings abroad.

For example, in November, five people (two in Korca and three in Pogradec) received prison sentences ranging from 15-20 years for trafficking newborn babies to Greece. At year's end, the case had been appealed and authorities were waiting for additional evidence from their Greek counterparts before presenting at the Court of Appeals. Also in November, there were press reports that an Albanian family sold their 3-year-old son to an Italian man; Italian authorities subsequently arrested two persons involved in the sale.

The majority of trafficked children ended up in Italy or Greece. According to the Ministry of Justice, 3,300 unaccompanied Albanian children lived in Italy, although not all were victims of trafficking. A 2002 study conducted by the NGO International Social Service reported that 1,800 unaccompanied Albanian children--many of whom were trafficking victims--lived in Greece; however, according to Terre des hommes, a Swiss child-welfare NGO operating in the country, the number of children trafficked to Greece has declined in recent years.

Foreign women and girls in transit mostly originated from Moldova, Romania, and--to a lesser extent--Ukraine, Russia, Serbia and Montenegro (Kosovo), and Bulgaria. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Both Albanian and foreign women trafficked by Albanian organized crime networks were abused, tortured, and raped. Traffickers also threatened many of the victims' family members.

Due to the poor economic situation, men and women from organized criminal groups lured many women and young girls from all over the country by promising them jobs in Italy and Greece. Some men, primarily in the north of the country, also married women and girls under false pretenses and took them abroad as prostitutes. Other forms of recruitment included promises of marriage, and, to a lesser extent, the selling of victims to traffickers by family members or neighbors or kidnapping, including from orphanages.

The police often were involved directly or indirectly in trafficking. Few police officers, and no other government officials, were prosecuted for trafficking during the year. Lawyers and judges were also manipulated and bribed, permitting traffickers to buy their way out of punishment if arrested. During the year, the Ministry of Public Order's Anti-Trafficking Unit within the Organized Crime Sub-Directorate and the Office of Internal Control paid particular attention to police involvement in human trafficking; the Office of Internal Control investigated 266 cases of police involvement in all forms of trafficking. Many of these cases resulted in suspensions or dismissals, and a growing number of police officials implicated in trafficking cases faced arrest and prosecution.

In December, police arrested several servicemen on suspicion of raping and trafficking a 16-year-old girl. Reports surfaced in December that a 16-year-old girl was smuggled onto the Bishti i Palles naval base to have sex with seven conscripted sailors over the course of a 3-day weekend. Military officials responded quickly by admitting the main facts of the story, issuing a public apology, and stepping aside so that the civilian investigation could take place. A total of 11 officers and noncommissioned officers--including the seven participants--were suspended and new policies were put in place to safeguard against such incidents in the future. Although media reports stated that

the sailors were also involved in the girl's eventual trafficking into Kosovo, officials at the Ministry of Defense denied the conscripts' involvement; an investigation was ongoing at year's end.

Police treatment of trafficked women continued to improve during the year. Most police stopped treating trafficked women as criminals rather than victims and routinely referred them to local and international NGOs for assistance. Foreign women who were detained at times lacked translation services or were not given a choice of lawyers.

In response to concerns about child trafficking, in October, the Government formed the Child Trafficking Working Group (CTWG). The core-working group includes representatives from the Prosecutor General's office, as well as the Ministries of State, Public Order, Labor and Social Affairs, and Education. The goal of the CTWG was to develop strategies to respond to the specific issues that arise when dealing with child-victims of trafficking. The group produced a working paper on strategies for prosecution, protection, and prevention that focused specifically on child trafficking; the document was submitted to the NGO community for their comments at year's end.

Victims of trafficking often faced significant stigmatization from their families and society. Several NGOs were active in addressing victims' needs. The IOM operated a reintegration center in Tirana that provided counseling and medical services, job training, and some legal assistance. The IOM also cooperated with the OSCE to relocate outside of the country those victims whose safety was at risk. In July, the Government opened a shelter outside Tirana for trafficking victims, offering assistance ranging from psychological counseling to medical treatment. With the assistance of the IOM, the Government processed 15 repatriation cases during the year and 13 of these women were returned to their home countries by year's end. Government services available to trafficking victims remained limited.

The Vlora Anti-Trafficking Center, which opened in 2001, had not become fully operational, although, in September, it was used as a command post for Mirage II. In December, the Government signed a memorandum of understanding with Greece, Germany, and Italy to turn the Vlora Anti-Trafficking Center into a fully operational tool in the fight against all forms of illegal trafficking from and through the country. National and international NGOs carried out most of the country's trafficking awareness campaigns.